

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RONALD JOHNSON,	:	
Petitioner,	:	
v.	:	CIVIL ACTION 12-4970
	:	
SUP. WENEROWICZ, et al.,	:	
Respondents.	:	
	:	

ORDER

AND NOW, this 19th day of December 2013, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of Magistrate Judge M. Faith Angell [Doc. No. 17], Petitioner's objections thereto [Doc. No. 19], the Respondent's response and Petitioner's reply, it is hereby **ORDERED** that the Report and Recommendation is **APPROVED AND ADOPTED** insofar as it finds that this is a successive petition. Because this is a successive petition, pursuant to 28 U.S.C. §2244(b)(3)(A), the petition for writ of habeas corpus [Doc. No. 1] is **DISMISSED without prejudice** due to Petitioner's failure to move in the Third Circuit Court of Appeals to consider the petition.

Similarly, the supplemental petition filed on August 21, 2013 [Doc. No. 22] is **DISMISSED without prejudice** for failure to move in the Third Circuit Court of Appeals for an order authorizing this District Court to consider the supplemental petition.

It is so **ORDERED**.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUGE, J.